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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,230	06/12/2001	Kenneth C. Budka	2925-0551P	2080

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EXAMINER
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PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,230

Applicant(s)

BUDKA ET AL.

Examiner

Ponnoreay Pich

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-8, 10-15, and 17-20 are pending. Claims 19-20 were newly. Claims 9 and 16 were cancelled. Any well known art statements made in the prior office action that were not specifically and adequately traversed are taken as admittance of prior art as per MPEP 2144.03. Any new grounds of rejections made in this office action were necessitated by applicant's amendments.

#### ***Response to Arguments***

Applicant's arguments were fully considered, but were not persuasive. Applicant essentially argues that the failure count used in Inoue belongs to a user rather than a mobile station, while claim 1 calls for the failure count to indicate the number of times the mobile station has been denied registration.

In response, the examiner directs applicant to column 13, lines 10-16 of Inoue. The cited passage clearly shows that the failure counts corresponds to the mobile computer, i.e. mobile computer's identifier. Applicant is also directed to column 10, lines 15-21 where Inoue discloses that registration request and user authentication can occur as one set. Thus, because they are one set, when a user authentication fails, the registration of the mobile computer also fails. Because they are one set, the number of times that user authentication failed is also the number of times registration was denied.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, 10,12-15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sistanizadeh et al (US 6,452,925), herein referred to as Sis, in view of Inoue et al (US 6,891,519).

**Claim 1:**

Sis discloses the limitation of receiving a communication address request for a temporary communication address from a mobile station, the communication address request including an identifier of the mobile station (col 9, lines 49-53; col 10, lines 1-4; col 11, lines 8-19; and col 12, lines 10-16). Note that Sis discloses that the request comes from a PC, where a PC can be either a desktop or a laptop. The examiner submits that a laptop is a mobile station.

Sis does not disclose processing the communication address request based on a failure count accessed using the identifier for the mobile station, the failure count indicating a number of times the mobile station has been denied registration. However, note that part of processing the communication address request in Sis's invention is to authenticate the computer/mobile station and the user (col 12, lines 10-16). Further, Inoue discloses authentication based on a failure count accessed using the identifier for the mobile station, the failure count indicating a number of times the mobile station has been denied registration (col 13, lines 10-29 and col 16, lines 6-20).

In light of Inoue's teachings, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to modify Sis's invention according to the limitations recited in claim 1. One of ordinary skill would have been motivated to do so because Inoue discloses the even if registration was denied once, it is still possible for a mobile station and/or user to attempt repeated registration, resulting in jammed network traffic and difficulty in normal system operation (col 12, lines 28-36). Inoue's teachings would cope with this type of attack (col 12, lines 37-41).

**Claim 19:**

Sis discloses the limitation of receiving a communication address request for a temporary communication address from a mobile station, the communication address request including an identifier of the mobile station (col 9, lines 49-53; col 10, lines 1-4; col 11, lines 8-19; and col 12, lines 10-16). Note that Sis discloses that the request comes from a PC, where a PC can be either a desktop or a laptop. The examiner submits that a laptop is a mobile station.

Sis does not disclose the following limitations, but they are disclosed by Inoue: determining a failure count corresponding to the identifier for the mobile station exists, which indicates a number of times the mobile station has been denied registration; and processing the communication address request when the failure count corresponds to the identifier satisfies one of the following conditions, (1) not existing and (2) existing but not exceeding a threshold (col 10, lines 15-21; col 13, lines 10-29; and col 16, lines 6-20).

At the time applicant's invention was made, it would have been obvious to one of ordinary skill to modify Sis's invention according to the limitations recited in claim 19 using Inoue's teachings. One skilled would have been motivated to incorporate Inoue's teachings for the same reasons given in claim 1.

**Claim 20:**

Sis discloses the limitation of receiving a communication address request for a temporary communication address from a mobile station, the communication address request including an identifier of the mobile station (col 9, lines 49-53; col 10, lines 1-4; col 11, lines 8-19; and col 12, lines 10-16). Note that Sis discloses that the request comes from a PC, where a PC can be either a desktop or a laptop. The examiner submits that a laptop is a mobile station.

Sis does not disclose the following limitations, but they are disclosed by Inoue: determining a failure count corresponding to the identifier for the mobile station exists, which indicates a number of times the mobile station has been denied registration; and processing the communication address request when a failure count corresponding to the identifier is found not to exist (col 10, lines 15-21; col 13, lines 10-29; and col 16, lines 6-20).

At the time applicant's invention was made, it would have been obvious to one of ordinary skill to modify Sis's invention according to the limitations recited in claim 20 using Inoue's teachings. One skilled would have been motivated to incorporate Inoue's teachings for the same reasons given in claim 1.

**Claim 2:**

The limitations recited in claim 2 are obvious to Sis's modified invention as they are disclosed by Inoue. Inoue discloses:

1. Accessing the failure count for the mobile station based on the identifier (col 13, lines 10-29 and col 16, lines 6-20).
2. Ignoring the communication address request when the failure count exceeds a predetermined threshold (Fig 14 and col 13, lines 23-33).

**Claim 3:**

The limitations recited in claim 3 are obvious to Sis's modified invention as they are disclosed by Inoue. Inoue discloses continuing with a registration process when the failure count does not exceed a predetermined threshold (Fig 14 and col 13, lines 23-33).

**Claims 4 and 12:**

The limitations recited in claims 4 and 12 are obvious to Sis's modified invention as they are disclosed by Inoue. Inoue discloses incrementing the failure count for the mobile station when during the registration process the mobile station is not authenticated (Fig 14 and col 17-22).

**Claims 5 and 13:**

The limitations recited in claims 5 and 13 are obvious to Sis's modified invention as they are disclosed by Inoue. Inoue implicitly discloses sending a message to the mobile station instructing the mobile station not to attempt registration for a predetermined period of time when the incremented failure count equals or exceeds the predetermined threshold (col 12, lines 58-67).

**Claims 7 and 14:**

Sis does not explicitly disclose decrementing the failure count after a predetermined period of time has elapsed from the sending step. However, the examiner asserts that resetting/decrementing the failure count after a predetermined period of time is a well known feature in the art of networking. At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to further modify Sis's invention such that the failure count was decremented/reset after a predetermined period of time has passed from the sending step. One of ordinary skill would have been motivated to do so as it would allow a legitimate user and mobile station to be able to attempt registration again without the need for manual intervention by an administrator.

**Claims 8 and 15:**

Claims 8 and 15 recite limitations substantially similar to claims 7 and 14 and are rejected for the same reasons.

**Claims 10 and 17:**

The limitations recited in claims 10 and 17 are obvious to Sis's modified invention as they are disclosed by Inoue. Inoue discloses:

1. Incrementing the failure count for the mobile station when a failure count was accessed and if during the registration process the mobile station is not authenticated (Fig 14 and col 13, lines 17-22).



2. Initializing a failure count for the mobile station to an initial value of the failure count does not exist for the mobile station and when during the registration process the mobile station is not authenticated (Fig 14 and col 13, lines 10-16).

Claims 6, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sistanizadeh et al (US 6,452,925), herein referred to as Sis, in view of Inoue et al (US 6,891,519) in further view of Holmes et al (US 6,256,116).

**Claims 6, 11, and 18:**

Sis does not explicitly disclose wherein the mobile station is a mobile station in one of a wireless data network and a wireless voice network. However, Holmes discloses a communication network consisting of a mobile station in one of a wireless data network and a wireless voice network (col 1, lines 19-26). At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to use Sis and Inoue's teachings in a mobile station in one of a wireless data network and a wireless voice network because Sis and Inoue's teachings would make the networks more secure and protect against repeated registration attacks (Inoue: col 12, lines 28-41).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2135

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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